

REMARKS

In the Restriction Requirement mailed 4 March 2009, the Examiner required a restriction as follows:

Group I, claims 1-3, drawn to a copper material.

Group II, claim 4, drawn to a method of producing a copper material.

The Examiner deemed that the inventions of Groups I through II lack the same or corresponding special technical feature.

Applicants hereby elect to prosecute the claims of Invention I , claims 1-3, **with traverse**.

This election is made with traverse because the Examiner applied an improper interpretation of PCT Rules 13.1 and 13.2. Specifically, "The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art" (emphasis added) See Rule 13.2. Thus, in order for a proper restriction, an examiner must set forth a reasoned analysis as to why the claims do not share a common technical feature which is patentable over the prior art.

In the instant case, claim 4 is a dependent claim that depends on claim 1. Thus, claim 4 incorporates all of the limitations of claim 1, i.e. shares the same special technical features of claim 1. The Examiner has failed to establish why the pending claims (in particular, claim 1 with its special technical features) are not patentable over the prior art. In addition, Applicants direct the Examiner's attention to the International Search Report which indicates that claims 1-4 are patentable over the art.

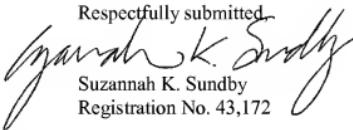
Since claims 1-4 share a common technical feature which is patentable over the art, the restriction requirement is improper. Therefore, Applicants respectfully request that the restriction requirement be withdrawn.

CONCLUSION

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. The right to file one or more divisional applications to the non-elected groups is respectfully reserved. Accordingly, reconsideration and withdrawal of the Restriction Requirement, and consideration and allowance of all pending claims, are respectfully requested.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 024300**, Attorney Docket No. **033792R003**.

Respectfully submitted,



Suzannah K. Sundby
Registration No. 43,172

Date: 27 March 2009
SMITH, GAMBRELL & RUSSELL, LLP
1130 Connecticut Ave., NW, #1130
Washington, D.C. 20036
Telephone: (202) 263-4332
Fax: (202) 263-4352
ssundby@sgrlaw.com